

### REMARKS

By this Amendment, claims 17 and 20-28 are cancelled, claims 1-16, 18-19 and 29-34 are amended, and claim 35 is added. Thus, claims 1-16, 18-19 and 29-35 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

The specification and abstract have been carefully reviewed and revised in order to correct grammatical and idiomatic errors in order to aid the Examiner in further consideration of the application. Furthermore, the specification was revised in order to correct the informalities as identified in item 2 on page 2 of the Office Action. In particular, the Applicants note that the term "commercial" is often abbreviated in Japan by the term "CM." Accordingly, the specification was revised to define the term "CM" as an abbreviation for the term "commercial." The amendments to the specification and abstract are incorporated in the attached substitute specification and abstract. No new matter has been added.

Also attached hereto is a marked-up version of the substitute specification and abstract illustrating the changes made to the original specification and abstract.

#### Claim Rejections

A. In item 4 on page 2 of the Office Action, claims 1-16 and 28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sumiya et al. (EP 0 892 554).

This rejection is believed to be moot with respect to claim 28 in view of the cancellation of claim 28. This rejection is respectfully traversed with respect to claims 1-16 for the following reasons.

Claim 1 recites the receiver of the present invention, claim 8 recites the viewing information recording method of the present invention, and claim 15 recites a computer-readable program recording medium on which is a program is recorded to make a computer execute an operation similar to the viewing information recording method recited in claim 8.

The receiver of claim 1 is recited as comprising a program acceptor for accepting program contents and program information having a program identifier to identify program contents, and a display unit for displaying the program contents. The receiver of

claim 1 also comprises a viewing information recorder for recording, on a removable recording medium, viewing information having the program identifier to identify the program contents when the program contents are displayed on the display unit.

The method and program of claims 8 and 15 are each recited as comprising accepting program contents and program information having a program identifier to identify program contents, and displaying the program contents. The method and program of claims 8 and 15 are also each recited as comprising recording, on a removable recording medium, viewing information having the program identifier to identify the program contents when the program contents are displayed in the displaying of the program contents.

Accordingly, claims 1, 8 and 15 clearly recite that viewing information having the program identifiers are recorded on a recording medium only when the accepted program contents identified by the program identifiers are displayed. Thus, by reciting that the viewing information, which has the program identifiers, is recorded on a recording medium only when the program contents are displayed, claims 1, 8 and 15 recite that the program identifiers are only recorded on the recording medium when the program contents identified by the program identifiers are displayed.

Sumiya et al. discloses a program information retrieval apparatus, method and system for retrieving and displaying program information of broadcast programs. In particular, Sumiya et al. discloses generating a program list (i.e., an electronic program guide (EPG)) by receiving, from a broadcast apparatus, broadcast data which includes a plurality of pieces of program information respectively related to the broadcast data. The received program information and other information (i.e., attribute information) related to the broadcast data is then stored on a recording medium. Then, based on the stored program information, the EPG is generated in response to a user instruction through an input unit 3805, and the generated EPG is displayed on a display unit 3804 (e.g., television). Sumiya et al. also discloses that a program selection unit 3806 receives the program that is selected by the user from the displayed EPG (displayed program information), and the selected program is either broadcast at that time or marked for recording (see Column 43, line 6 to Column 44, line 25, and Figures 39-44).

Sumiya et al. also discloses that a viewing history holding unit 3808 sequentially stores program attribute information of programs that are viewed by the user. The attribute information of the viewed programs is stored as a viewing history (see Column 44, lines 32-43 and Figure 41).

As described above, Sumiya et al. discloses that the program information and attribute information are stored on a recording medium when the broadcast data, which includes the program and attribute information, is received from a broadcast source.

However, as recited in claims 1, 8 and 15, the program identifiers are only recorded on the recording medium when the program contents identified by the program identifiers are displayed.

Accordingly, since Sumiya et al. discloses that the program information and attribute information is stored on a recording medium before the programs are displayed on the display unit 3804, Sumiya clearly does not disclose or suggest that the program identifiers are only recorded on the recording medium when the program contents identified by the program identifiers are displayed, as recited in claims 1, 8 and 15.

Therefore, claims 1, 8 and 15 are clearly not anticipated by Sumiya et al. since Sumiya et al. fails to disclose each and every limitation of claims 1, 8 and 15. By virtue of depending from non-anticipated claims 1 and 8, claims 2-7, 9-14 and 16 are also clearly not anticipated by Sumiya et al.

B. In item 16 on page 5 of the Office Action, claims 17 and 29-31 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nemirofsky (U.S. 5,594,493).

This rejection is believed to be moot with respect to claim 17 in view of the cancellation of claim 17. This rejection is respectfully traversed with respect to claims 29-31 for the following reasons.

Claim 29 recites the transmitter/receiver system of the present invention. The present invention provides that the information (identifier) that is recorded on a recording medium indicates viewing information which includes program identifiers. That is, the information disclosed in the present invention is not information indicating that a discount ticket can be obtained. Instead, the information that is recorded on a recording

medium is viewing information indicating whether or not contents which can be subjected to a discount service were viewed by the user of the recording medium.

Claim 29 recites that the receiver receives program contents and an identifier for identifying the program contents, and records the identifier on a removable recording medium. In particular, the receiver of claim 29 comprises a viewing information recorder for recording, on the removable recording medium, the identifier corresponding to the program contents when the program contents are displayed on the display unit. Accordingly, as described above, the viewing information recorder recites that the identifier (viewing information) corresponding to the program contents is recorded on the recording medium when the program contents are displayed on the display unit.

In contrast to claim 29, Nemirofsky discloses that the information which is transmitted and recorded is information that includes a product number as well as a discount authorization signal including a discount rate, i.e., a discount ticket (coupon). Accordingly, Nemirofsky discloses that the information which may be transmitted with television broadcast data is merely simple information indicating that a discount ticket can be obtained or simple information that is sent with an advertisement.

Therefore, Nemirofsky clearly does not disclose or suggest the identifier (viewing information) recited in claim 29, and thus, does not disclose or suggest the recited functional operations of each of the recited elements of the transmitter/receiver system of claim 29.

Accordingly, claim 29, as well as claims 30-31 which depend therefrom, are clearly not anticipated by Nemirofsky.

C. In item 21 on page 6 of the Office Action, claims 18-19, 29 and 32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Shintani (EP 0 921 696). This rejection is respectfully traversed for the following reasons.

Claim 18 has been amended to recite that information which is recorded on a removable recording medium is viewing information having program identifiers for identifying program contents.

Shintani discloses a device and method for transmitting information from a broadcast station to a user watching a television, and the user responding to commercials

that are displayed on the television by using a remote control to obtain reward points for responding the commercial. The reward points can be accumulated, and the user can then receive discounts on certain products.

Shintani, however, clearly does not disclose or suggest recording viewing information on a recording medium, as recited in claim 18.

Therefore, claim 18 is clearly not anticipated by Shintani.

In item 18 and item 25 of the Office Action, the Examiner contends that the identifiers recited in claim 29 are met by the teachings of Nemirofsky and Shintani, which disclose transmitting discount information or advertisement information. However, as recited in claim 29, the identifier that is transmitted from the transmitter and received by the receiver identifies program contents. That is, the identifier in claim 29 is markedly different from the simple advertising or discount data transmitted in Nemirofsky and Shintani.

Therefore, claim 29 is clearly not anticipated by either Nemirofsky nor Shintani since Nemirofsky and Shintani each fail to disclose or suggest each and every limitation of claim 29.

D. In item 26 on page 9 of the Office Action, claims 20-21, 23-24 and 26-27 were rejected under 35 U.S.C. § 102(b) as being anticipated by Roberts et al. (U.S. 5,987,525). Further, in item 33 on page 11 of the Office Action, claims 22 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Roberts in view of Nemirofsky.

These rejections are believed to be moot in view of the cancellation of claims 20-27.

E. In item 36 on page 11 of the Office Action, claims 33 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nemirofsky in view of Roberts et al.

As demonstrated above, Nemirofsky clearly fails to disclose each and every limitation of claim 29. Namely, Nemirofsky clearly fails to disclose or suggest transmitting program contents an identifier for identifying the program contents, receiving the program contents and the identifier, and recording the identifier on a

removable recording medium when the program contents are displayed on the display unit.

Similar to Nemirofsky, Roberts et al. also fails to disclose or suggest transmitting program contents an identifier for identifying the program contents, receiving the program contents and the identifier, and recording the identifier on a removable recording medium when the program contents are displayed on the display unit, as recited in claim 29.

Therefore, Roberts et al. clearly does not cure the deficiencies of Nemirofsky for failing to disclose or suggest each and every limitation of claim 29. Accordingly, no obvious combination of Nemirofsky and Roberts et al. would result in the invention of claim 29 since Nemirofsky and Roberts et al., either individually or in combination, fail to disclose or suggest each and every limitation of claim 29.

Therefore, claim 29, as well as claims 30-35 which depend therefrom, are clearly allowable over Nemirofsky and Roberts et al.

Because of the clear distinctions discussed above, it is submitted that the teachings of Sumiya et al., Nemirofsky, Shintani and Roberts et al. clearly do not meet each and every limitation of claims 1, 8, 15, 18 and 29. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time the invention was made would not have been motivated to modify Sumiya et al., Nemirofsky, Shintani and Roberts et al. in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1, 8, 15, 18 and 29. Therefore, it is submitted that the claims 1, 8, 15, 18 and 29, as well as claims 2-7, 9-14, 16, 19 and 30-35 which depend therefrom, are clearly allowable over the prior art as applied by the Examiner.

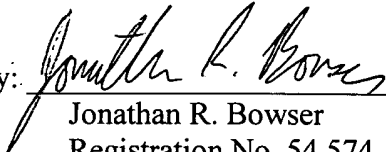
In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

A fee and a Petition for a one-month Extension of Time are filed herewith pursuant to 37 CFR § 1.136(a).

Respectfully submitted,

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